



State of Delaware
Department of Natural Resources and Environmental Control
Delaware Division of Parks and Recreation
89 Kings Highway
Dover, Delaware 19901

OPEN SPACE COUNCIL
June 15, 2011, 9:00 a.m.
Legislative Hall
Senate Hearing Room, Second Floor
Dover, Delaware

ATTENDANCE

Council Members:

John R. Schroeder, Chairperson
Paul Boswell
Lorraine Fleming
Sen. George Bunting (via telephone during Project Recommendations)

Ex-Officio:

Charles A. Salkin, Parks & Recreation, DNREC

Guests:

Blaine Phillips, The Conservation Fund

Staff:

Patrick Emory, Community Services, DNREC
Henry Poole, Forestry, DDA
David Saveikis, Fish & Wildlife, DNREC
David Small, Office of the Secretary, DNREC
Austin Short, DDA
Shelley Tovell, Fish & Wildlife, DNREC
Michael Valenti, Forestry, DDA
Ron Vickers, Parks & Recreation, DNREC
Jeff Stone, Delaware Economic Development Office

I Call to Order/Announcements

Mr. Schroeder, Chairperson, called the Open Space Council meeting to order at 9:08 a.m. He welcomed Council members, visitors and staff and asked for announcements.

Mr. Schroeder informed Council and staff that he was the new Chairperson for Open Space Council, appointed by Governor Markell. He has been on the Council since 2007, but involved with its efforts since the 1990s through his work as a State Representative. He hopes to continue the good work of Lynn Williams, the former Chairperson.

Mr. Vickers also introduced Mrs. Lorraine Fleming as a newly-appointed Council member. Mrs. Fleming brings her lifelong career in the conservation field, mainly through the Delaware Nature Society, to the table. The Governor also reappointed Mr. Boswell and Mr. Holden to another 4-year term. There are still 3 Council vacancies: 2 for New Castle County and 1 for Sussex County.



II Minutes of the March 16, 2011 Meeting

Approval of the minutes for the March 16, 2011 meeting was postponed because there was not a quorum.

III Financial Report

Mr. Vickers presented the financial report. The balance in the FY2011 Realty Transfer Tax fund is \$2,846,870.68. There are three previously approved projects totaling \$1,000,000.00. They are (1) Thomas property- conservation easement in the Yorklyn area for \$200,000; (2) Wright properties- expenses and costs for the fee simple acquisition located north of the Nanticoke River, west of Seaford, for \$50,000; and (3) Green Horizons properties- match for federal Forestry Legacy funds towards several parcels in the Redden State Forest area for \$750,000. This leaves a remaining balance of \$1,846,870.68.

At this time, since the Bond Bill has not passed, it is not known what amount of funding the Open Space Program will receive for FY2012. There was a recommendation from the Governor that \$10 million be set aside for the program.

Mr. Salkin noted that, unless changed in the Bond Bill, any funds the program would receive would not be available until December 15.

IV. Agency & Public Presentations

Mr. Schroeder asked for announcements or presentations from guests and staff.

Mr. Vickers presented a list of Open Space Program Projects for FY2011. There were 11 fee simple acquisitions totaling 825.9926 acres at a cost of \$6,695,422.20 of Open Space funds. There were four conservation easements totaling 153.105 acres at a cost of \$1,768,247.00 of Open Space funds.

The overall totals for the Open Space Program from 7/1/1990 through 6/15/2011 are 329 projects protecting 51,841.9593 acres at a cost of \$239,898,080.20 of Open Space funds and \$69,749,258.67 of other funds. The total funds equal \$309,647,338.87.

Mr. Schroeder suggested sending the complete property list to the General Assembly to show them how successful the program is.

Mr. Salkin discussed another phase of the NVF project in Yorklyn. He reminded Council that it previously recommended a series of acquisitions and easements. Involved in this process were residual rights for a limited number of residential lots. The State was successful in reducing the overall number of lots. For one of the acquisitions originally there was to be an area reserved for building lots. The State ended up purchasing the whole property, including the building lots. A reduced number of 3 building lots were transferred to another part of the NVF complex which is adjacent to a property that the State purchased an easement on. Discussions are ongoing as to whether these lots will be developed. The State, the adjacent owner and the current fee owner of the building lots site are working to resolve this issue. At past Council meetings it was assumed the State was finished with its NVF acquisitions. However, this current issue may require Open Space funds. Once a proposal is worked out, it would be presented to Council.

Mr. Vickers asked if Mr. Blaine Phillips from The Conservation Fund sit in for a portion of the Executive Session. Council members agreed.

V. Executive Session - Discussion of Site Acquisition Contracts

The Council adjourned to Executive Session at 9:33 a.m. to discuss site acquisition contracts. The Council returned to Open Session at 10:40 a.m.

VI. Project Recommendations

Based on discussion in Executive Session, the Council, including Senator George Bunting on telephone conference, recommended the following:

- A. Wright Properties – 210 acres north of the Nanticoke River: It was moved, seconded, and agreed to recommend to the Secretary to purchase the properties using up to \$750,000.00 as match for non-state funds.
- B. Yardley/Dale Property – 195 acres at Thousand Acre Marsh, north of Port Penn: It was moved, seconded, and agreed to recommend to the Secretary to purchase the property using up to \$250,000 as match for non-state funds.
- C. Manwaring Property – 16 acres near Blackbird Landing: It was moved, seconded, and agreed to recommend to the Secretary to purchase the property for up to \$440,000.00.
- D. Windsor Property – 17 acres near Trap Pond State Park: It was moved, seconded, and agreed to recommend to the Secretary to purchase the property for \$49,000.00.

Mr. Small discussed with Council the ongoing issue of open space lands and the University of Delaware in Lewes. He noted that the Council rightly chastised the Department for not responding in a timely manner to Council's February 2011 letter. He then proceeded to present to Mr. Schroeder the Department's response in the form of a letter from Secretary O'Mara. It states that the University is not interested in reacquiring much of the land purchased by DNREC from the University in 2002. Discussions are still underway regarding a small portion of the land where the wind turbine and associated fall zone are located. Before entering into any agreement, a proposal would be brought before Council for discussion.

Mr. Schroeder appreciated the response and requested that the staff keep Council informed of any actions related to this issue. He did not want to find out after the fact about something that Council should be consulted on.

Mrs. Fleming asked if the last of the Glatfelter Pulp Wood Company lands would be purchased by the Delaware Forest Service.

Mr. Valenti said, depending on the status of FY2011 federal Forest Legacy funding, that some of the parcels would be purchased.

VII. Next Meeting and Adjournment

The next Council meeting is scheduled for September 21, 2011 at the Legislative Hall, Second Floor Senate Hearing Room, Dover, DE at 9:00 a.m.

Mr. Schroeder asked for a motion to adjourn the meeting. The meeting adjourned at 10:44 a.m.